

NO. 4:09-CR-007-H

ORDER

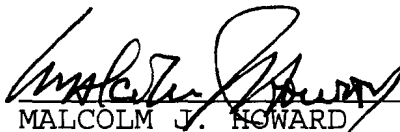
Defendant, in his objections to the M&R, attempts to discredit Detective Peebles' testimony by arguing that his contemporaneous report proves that defendant's statements were involuntary and that they were induced by a promise of leniency that was not honored thereafter. However, defendant does not demonstrate that any

promises of leniency were made prior to his statements. In fact, after a review of this matter, the court finds that Detective Peebles and Officer Taylor followed proper protocol in advising defendant of his Miranda rights and obtaining defendant's statement. Additionally, defendant failed to provide the requisite continued assistance that formed the basis of his agreement for leniency with law enforcement. Therefore, defendant's objections are without merit.

A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own; and, for the reasons stated therein, the defendant's motion to suppress [DE #23] is hereby denied.

This the 29th day of June 2010.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, N.C.
GEB